
Appeal Decision

Site visit made on 4 November 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2019

Appeal Ref: APP/X5990/Z/19/3234616
36-44 Brewer Street, London W1F 9TB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Bills Restaurants Ltd against the decision of City of Westminster Council.
 - The application Ref 18/09792/ADV, dated 16 November 2018, was refused by notice dated 18 June 2019.
 - The advertisement proposed is an internally illuminated awning sign.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the area, with particular regard to the appearance of the appeal property, the character and appearance of the Soho Conservation Area and the setting of Grade II listed buildings found at 35 and 36-40 Great Pulteney Street; and 32-36, 45a, 49 and 51 Brewer Street.

Reasons

3. The Regulations¹ and the National Planning Policy Framework state that advertisements should be subject to control only in the interests of amenity and public safety. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest².
4. The appeal relates to a modern unlisted building situated within the Soho Conservation Area (Conservation Area), the ground floor of which is in use as a restaurant. The principal façade of the building facing Brewer Street is characterised by rows of windows across the upper floors. However, all façades of the building are balanced with alternating recessed sections providing verticality. This striation appears to draw on the division of plots found elsewhere within the street.
5. The shopfront at ground floor contains narrower divisions of glazing, but these align with the arrangements above. The scale of the building therefore relates well with the street level. Like other modern buildings within Brewer Street, the

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

² Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

appeal property is modest in its appearance and its composition makes a quiet contribution to the character and appearance of the Conservation Area.

6. The significance of the Conservation Area lies, at least in part, in the positive contribution made by the architectural legibility of the built fabric, including the detailed design of shopfronts and advertisements, many of which relate to historic and listed buildings. The advertisements found within the vicinity of the site, including those that are illuminated, are modest and primarily contained within fascias. Where awnings have been installed, they primarily retract to the façade and are not fixed open.
7. There is a plethora of Grade II listed buildings within the vicinity of the site, many of which are characteristic of Soho's historic development and incorporate a mixture of stucco and brick façades. In Brewer Street, Nos 49 and 51 date from the early eighteenth century but were refaced in the nineteenth century and retain historic features internally and externally. Further to the east is the Brewer Street Car Park, operated by NCP, this dates from the early twentieth century and incorporates a Classical-Moderne style front elevation, finished in glazed ceramic. It is among the earliest surviving ramped multi-storey car parks to be built in the country. To the west, on Great Pulteney Street are Nos 35 and 36-40, these are early eighteenth century four-storey town houses.
8. Although the proposal would be across streets from the listed buildings and their appearance would still be evident, I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. The setting of a heritage asset is therefore a much wider concept and can include views towards listed buildings in which such assets can be appreciated. Given the proximity and visibility of the appeal property in key public views of these listed buildings, it forms an integral part of their historic setting. Conversely, whilst there is an entrance in Brewer Street through a passageway to 45a, it is a mews building which faces into Smiths Court. As such, the awning would not be evident within its setting.
9. The awning has previously been installed above the shopfront and extends, uninterrupted, across the entire Brewer Street façade and around onto the side elevations on Great Pulteney Street and Lexington Street. It is understood that the awning did not receive formal consent and the appellant suggests that it benefits from deemed consent. However, the Council advises that the awning is the subject of an enforcement case and could face discontinuance action.
10. As a consequence of its design, colour, length and projection into the street, the awning already dominates the appeal building, severing the visual link between the ground and upper floors of the building. The awning also has a detrimental effect on the character and appearance of the area, particularly in relation to the appreciation of the positive attributes of the Conservation Area and the setting of the aforementioned listed buildings. Therefore, as far as setting a desirable precedent for the appeal proposal, I give the awning in situ limited weight.
11. I am mindful that the appeal property previously incorporated several individual retractable awnings. From the imagery that I have been provided, although those awnings would have had a presence within the street, they were of a traditional and discreet appearance. Furthermore, unlike the awning in situ, they were positioned beneath the fascia sign and within the

windowed sections of the façade. They therefore did not obscure the shopfront to the extent of the awning now in situ.

12. The awning is proposed to be lit internally with LED lighting to its entire length and the applied logos at the corners with Lexington Street and Great Pulteney Street would be replaced with illuminated logos. Whilst the appeal property is located within a Central Activity Zone, containing illuminated advertisements, the proposal would constitute extensive illumination unlike any other signage found within the immediate context. It would also draw additional unwelcome attention to the awning in situ. Furthermore, given the size of the awning, the proposed illumination would not meet the recommended brightness levels referred to in The Regulations. The size and method of illumination of the awning would therefore appear prominent and obtrusive in public views and have an adverse visual effect on the existing building, the setting of the listed buildings and the Conservation Area.
13. For the reasons outlined above, I conclude that the proposal would harm the visual amenity of the area, with particular regard to the appearance of the appeal property, the character and appearance of the Conservation Area and the setting of Grade II listed buildings found at 35 and 36-40 Great Pulteney Street; and 32-36, 49 and 51 Brewer Street.
14. I have taken into account the provisions of Saved Policies DES 1, DES 8 and DES 10 and paragraphs 10.108 to 10.128 of the City of Westminster Unitary Development Plan (adopted January 2007); and Policies S25 and S28 of the Westminster City Plan (Revised November 2016), so far as they are material, in accordance with the Regulations³. Together these policies seek the highest standards of design, including in advertisements, which should be compatible with the townscape; development should also maintain the character, scale and hierarchy of existing buildings; listed buildings will be protected and enhanced, including their settings; and the character and appearance of conservation areas will be preserved or enhanced. Given that I have concluded that the illuminated awning would harm visual amenity, the proposal conflicts with these policies.

Conclusion

15. For the reasons given above, I conclude that the appeal has been dismissed.

Paul Thompson

INSPECTOR

³ Regulation 3(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007